

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DANIEL PERRY

PLAINTIFF

V.

CIVIL ACTION NO. 2:23-cv-120-KS-MTP

**JONES COUNTY,
MISSISSIPPI, et al.**

DEFENDANTS

MEMORANDUM OPINION AND ORDER

I. BACKGROUND

This cause comes before the Court on Defendants’ Motion for Judgment on the Pleadings Based on Qualified Immunity [13]. Accordingly, having reviewed the parties’ submissions, the relevant rules and legal authorities, and otherwise being duly advised in the premises, for the reasons set forth herein, the Court finds that Plaintiff’s motion is granted.

II. DISCUSSION

The Plaintiff filed his Complaint on August 24, 2023. *See* [1]. In the Complaint, Plaintiff alleges five counts related to an incident with police officers. *Id.* On February 23, 2024, Defendants filed their Motion for Judgment on the Pleadings Based on Qualified Immunity [13]. On March 15, 2024, Plaintiff then filed its Unopposed Motion for Leave to file Amended Complaint [20] with the Amended Complaint attached. From the Unopposed Motion and Response, it is apparent the Defendants do not object to either the filing of the amendment, [20] at ¶ 7, or the relief sought, [22] at p. 1. Moreover, Defendants clearly state they “consent to Plaintiff’s leave to file his Amended Complaint.” *Id.* at p. 2. In its previous Order, the Court granted Plaintiff’s motion for

leave to file his Amended Complaint.

Here, the Motion for Judgment on the Pleadings filed by Defendants is based on Plaintiff's original complaint. Because the Plaintiff's motion for leave to file an amended complaint was granted, the Motion for Judgment on the Pleadings that was based on Plaintiff's original complaint is moot.

III. CONCLUSION

Because the Court granted Plaintiff's motion for leave to file an amended complaint, the Motion for Judgment on the Pleadings Based on Qualified Immunity [13] is denied as moot.

SO ORDERED AND ADJUDGED this 18th day of March 2024.

/s/ Keith Starrett
KEITH STARRETT
UNITED STATES DISTRICT JUDGE